EXECUTIVE SUMMARY - ENFORCEMENT MATTER DOCKET NO.: 2007-1577-PST-E TCEQ ID: RN101435444 CASE NO.: 34710 RESPONDENT NAME: CHANTHORN PATRICK TES DBA 34 EXPRESS

ORDER TYPE:	,		
1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING	
X FINDINGS DEFAULT ORDER	X_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER	
AMENDED ORDER	EMERGENCY ORDER		
CASE TYPE:			
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE	
PUBLIC WATER SUPPLY	X PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION	
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL	
MUNICIPAL SOLID WASTE	DRY CLEANER REGISTRATION		
TYPE OF OPERATION: Convenience store SMALL BUSINESS: _X_ Yes OTHER SIGNIFICANT MATTERS: One There is no record of additional pending enformation of the respondent expressed an interest and the Respondent expressed an interest comments received: The Texas Reg CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Jacquelyn Employed Ms. Lena Robert TCEQ Enforcement Coordinator: TCEQ Regional Contact: Mr. Sam Respondent: Mr. Chanthorn Patrick Mr. Chanthorn Patrick Tes, Owner,	No complaint was received, alleging that the Respondencement actions regarding this facility location that not expressed a desire to speak at agenda	ondent did not have a valid delivery certificate. or protest this action. No one other than the 08. No comments were received. 39-5846 19 1, MC R-4, (817) 588-5825 1) 588-5903 234 South, Terrell, Texas 75160;	
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RESPONDENT NAME: CHANTHORN PATRICK TES DBA 34 EXPRESS

DOCKET NO.: 2007-1577-PST-E

VIOLATION SUMMARY CHART: VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS
Type of Investigation:	Total Assessed: \$26,800	TAKEN/REQUIRED Corrective Actions Taken:
_X Complaint Routine Enforcement Follow-up Records Review	Total Deferred: \$0 Expedited Order Financial Inability to PaySEP Conditional Offset	The Executive Director recognizes that the Respondent implemented the following corrective measures at the Station: 1. On September 14, 2007, the required drop
Date of Complaint Relating to this Case: August 8, 2007	Total Due to General Revenue: \$26,800	tubes were installed to within six inches of the tank bottom in all USTs;
Date of Investigation Relating to this Case: August 24, 2007	This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order	On September 10, 2007, obtained Financial Assurance for the USTs at the Station; and
Date of NOE Relating to this Case: September 18, 2007	Site Compliance History Classification: High X Average Poor	On September 30, 2007, installed a pressure vacuum relief valve on the gasoline vent line.
Background Facts: The EDPRP was filed May 8, 2008, and mailed to	Person Compliance History Classification:High _X_AveragePoor	Ordering Provisions:
the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDPRP on May 9, 2008. The Respondent failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference. By letter dated August 18, 2008, the Respondent was given notice of TCEQ's intent to order the Station Shutdown.	Major Source:Yes _X_No Applicable Penalty Policy: September 2002	The Respondent's UST delivery certificate is revoked immediately. The Respondent shall cease accepting fuel until such time as a valid certificate is obtained. The Respondent may submit an application for a new delivery certificate only after the Respondent has complied with all of the requirements of this order.
According to the return receipt "green card," the Respondent received the notice on August 21, 2008.		The Respondent shall undertake the following technical requirements:
Current Compliance Status: Not yet in compliance. The Respondent does not have a current delivery certificate.		Immediately, take the following steps to shut down operations of the UST system at the Station: a. Cease dispensing fuel from the USTs;
PST:	·	 b. Cease receiving deliveries of regulated substances into the USTs;
 Failed to maintain Stage 1 records at the Station [30 Tex. ADMIN. CODE § 115.226(1) and Tex. Health & Safety Code 		c. Padlock the dispensers;
§ 382.085(b)].		d. Empty the USTs of all regulated substances; and
2. Failed to ensure that the gasoline container is equipped with a submerged fill pipe [30 Tex. ADMIN. CODE § 115.222(1) and Tex. HEALTH		e. Temporarily remove the UST system from service.
& SAFETY CODE § 382.085(b)].		Within 10 days, surrender his UST delivery certificate to TCEQ.
3. Failed to ensure that the atmospheric emission during gasoline transfer in the storage container is through a storage container vent line equipped with a pressure-vacuum relief valve set to open at a pressure of no more than eight ounces per square inch [30 TEX ADMIN. CODE § 115.222(5) and TEX. HEALTH &		3. Within 15 days, submit a written report documenting the steps taken to comply with Ordering Provision Nos. I and 2.
SAFETY CODE § 382.085(b)].		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
4. Failed to provide an amended UST registration to the Commission for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition [30 Tex. ADMIN. CODE § 334.7(d)(3)].		 4. The Respondent's UST systems shall remain out of service until such time as the Respondent demonstrates to the satisfaction of the Executive Director that he has corrected the violations noted herein. 5. If elected to permanently remove from service any UST systems at the Station, immediately and permanently remove those
5. Failed to ensure that the UST registration and self-certification form is fully and accurately completed and submitted to the agency in a timely manner [30 Tex. ADMIN. CODE § 334.8(c)(4)(B)].		UST systems from service, and within 15 days, submit to the TCEQ a written report documenting compliance. 6. Prior to receiving deliveries of gasoline and resuming retail sales of gasoline:
6. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs [30 Tex. ADMIN. CODE § 334.8(c)(5)(A)(i) and Tex. WATER CODE § 26.3467(a)].		a. Install and implement a release detection method for all USTs and the piping associated with the USTs, and begin conducting proper inventory control procedures;
7. Failed to ensure that all the USTs are monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 Tex. ADMIN. CODE \$ 234.50(b)(1)(A) and Text. Where Copp.		b. Ensure that corrosion protection is in place for all components of the underground UST system; c. Begin maintaining all Stage I records at the Station; and
§ 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)].	·.	d. Obtain a new delivery certificate.
8. Failed to provide release detection for the piping associated with the USTs [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)].		7. Upon obtaining a new delivery certificate, post the document where it is clearly visible at all times.
9. Failed to conduct reconciliation of detailed inventory controls records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons [30 Tex. ADMIN. CODE § 334.50(d)(1)(B)(ii) and Tex Water Code § 26.3475(c)(1)].		8. Within 10 days of resuming service of the USTs, submit written certification demonstrating compliance with Ordering Provisions Nos. 6. and 7.
10. Failed to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day [30 Tex. Admin. Code § 334.50(d)(1)(B)(iii)(I) and Tex. Water Code § 26.3475(c)(1)].		

DOCKET NO.: 2007-1577-PST-E

VIOLATION SUMMARY CHART:				
VIOLATION INFORMATION	TOLATION INFORMATION PENALTY CONSIDERATIONS			
11. Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs [30 Tex. ADMIN. CODE § 37.815(a) and (b)].				
12. Failed to provide corrosion protection to all underground components of an UST system which is used to convey or contain regulated substances [30 Tex. Admin. Code § 334.49(a)(4) and Tex. Water Code § 26.3475(d)].				
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	·	,		

Policy Revision 2 (Sep	Penalty Calculatio	n Worksheet (P	CW) PCW Revision Sep	tember 19, 2007
TCEQ DATIES Assigned PCW		EPA Due		
Reg. Ent. Ref. No.	Chanthorn Patrick Tes dba 34 Express	Major/Minor Source	Minor	
	34710 2007-1577-PST-E Petroleum Storage Tank	No. of Violations Order Type Enf. Coordinator EC's Team	1660	
TOTAL BASE PENAL	Penalty Calcula		Subtotal 1	\$24,500
Compliance Hist	ned by multiplying the Total Base Penalty (Subtotal 1) by ory 0%	Enhancement Subto	otals:2, 3, & 7:	\$0
Culpability	No adjustment due to compli No 0% The Respondent does not meet the	Enhancement	Subtotal 4	\$0
Notes Good Faith Effor Extraordinary	t to Comply 90% Before NOV NOV to EDPRP/Settlement Offer	Reduction	Subtotal 5	\$0
Ordinary N/A Notes	x (mark with x) The Respondent does not meet the	good faith criteria		
Approx.		Ennancement* at the Total EB \$ Amount	Subtotal/6	\$0
SUM OF SUBTOTAL	\$ 1-7	(F	inal Subtotal	\$24,500
	S.JUSTICE MAY REQUIRE ubtotal by the indicated percentage. Recommended enhancement to capture the		Adjustment	\$2,300
	with the violations		nalty Amount	\$26,800
STATUTORY LIMIT A	ADJUSTMENT	.Final/Asse	essed Renalty	\$26,800
DEFERRAL Reduces the Final Assessed Per	nally by the indicted percentage. (Enter number only; e.g	0% Reduction 1. 20 for 20% reduction.)	`Adjustment'	\$0
Notes	Deferral not offered for non-expe	dited settlement.		
PAYABLE PENALTY			26.5	\$26,800

- 44 16 14 16 14 16 1	ning Date 26-Sep-2007 Docket No. 2007-1577-PST-E			PC
	spondent Chanthorn Patrick Tes dba 34 Express	Policy R	tevision 2 (Sep	tember 2
- 1. A - 1. A - 200 A	se ID No. 34710	PCW R	evision Septen	1ber 19,
T	ence No. RN101435444 [Statute] Petroleum Storage Tank			
 200 physical physics (2009) 	ordinator Judy Kluge			
12 - March Stra	State and the state of the stat			
nollance Histor	Compliance History Worksheet y Site Enhancement (Subtotal 2)		ii indaa dhaa	Feb. (48)
	B. I.	Enter Number Here	Adjust.	en estatoria de
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	Ö	0%	
	Other written NOVs	0.	0%	
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	•
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%	
	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
Emissions	Chronic excessive emissions events (number of events)	0.2	0%	
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%	
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
		se Enter Yes or No		
1 1 1 1 1 1	Environmental management systems in place for one year or more	No No	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
	Participation in a voluntary pollution reduction program	No No	0%	
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
	Adjustment P	ercentage (Su	btotal 2)	0%
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ollance History	Person Classification (Subtotal 7)			***
Average Pe	erformer Adjustment P	ercentage (Su	btotal 7)	0%
pliance History	Summary			91.T.
Compliance				
History	No adjustment due to compliance history.	İ		

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Notes

Screening Date: 26-Sep-2007 Docket No.: 2007-1577-PST-E	(IPCW/A)
Respondent Chanthorn Patrick Tes dba 34 Express	Policy Revision 2 (September 2002)
Case ID No. 34710	PCW Revision September 19, 2007
Reg. Ent. Reference No. RN101435444	
Media:[Statute] Petroleum Storage Tank	
Enf. Coordinator. Judy Kluge Violation Number 1	
Violation number [256] 27	ngurin vset
Rule Cite(s) 30 Tex. Admin. Code § 115.226(1) and Tex. Health & Safety Code § 382.08	(5(b)
Falled to maintain Stage I records at the Station: Specifically, a record of their which gasoline was delivered to the dispensing Station, the truck identification and the date of the last leak testing of each tank truck tank from which gasoling transferred to the Station were not available.	iumber;
Base	Penalty \$10,000
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2007 investigation.	etra (Silito) Silitoria
Economic Benefit (EB) for this violation	
Estimated EB Amount \$5 Violation Final Penal	ty Total \$1,094
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This violation Final Assessed Penalty (adjusted for	limits) \$1,094

	;	conomic	Benefit W	orksheet		
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Case ID No		DK 165 UDB 04 EX	press			
Reg-Ent Reference No.	-		•			
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- Screen	ng Date	26-Sep-2007		Docket No. 2007-1577-PS	ST-E	PGW
Res	pondent	Chanthorn Patrick Tes d	ba 34 Express		Policy R	evision 2 (September 2002)
// Cas	e ID No.	34710	•	•	PCW Re	vision September 19, 2007
Reg. Ent. Refere						
	All and the second second	Petroleum Storage Tank				
A CONTRACTOR OF THE PROPERTY O	THE PERSON NAMED IN COLUMN	Judy Kiuge				
	n Number	2				
Ru	ıle Cite(s)	30 Tex. Admin. Code §	115.222(1) and	(5) and Tex: Health & Safety	Code § 382.085(b)	
		pipe. Specifically, the su not within six inches of t	ıbmerged fill pip he tank bottom:	age container is equipped with es in the regular and super u Also failed to ensure that th	nleaded tanks were e only atmospheric	
Violation De	escription			to the storage container is thr		
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		of the required pressur	e-vacuum relief	valve, was observed on the o	asoline ventiline.	
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					Base Penalty	\$10,000
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Violation Events						
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Economic Benefit (E	D)NOM!	PATOLISION		· · · · · · · · · · · · · · · · · Statutolity L		
	Estimated	I EB Amount	\$4	Violation F	inal Penalty Total	\$1,094
			This violatio	n Final Assessed Penalty (a	diusted for limits)	\$1,094
	WINDSHIP WARREND			man Assessed Charty (a	THURST HER THE STREET	

THE STATE OF THE S	Eec	onomic Be	nefit Wo	rksheet	ing a team of the con-	M. (4:450)	
Respondent	Chanthorn Patrick	Tes dba 34 Express	3				
Case ID No	. 34710	•					
Reg. Ent. Reference No.							
I PANTON CONDUCTOR AND THE REPORT OF THE PARTON OF THE PAR	Petroleum Storage	Tonk					Years of -
		Idik			Per	cent Interest	Depreciation
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and the state of t	∵ltem:Cost	ate:Required	inaliDate हैं। जी	Yrs:∵"Interes	t-Saved∰-On	etime/Costs	EB Amount
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DelayediCosts							Santana a
Pressure Relief Valves		24-Aug-2007	1-Oct-2007	0.2	0:4003344	\$3	\$3
Buildings				0:0	dina dia dia dia 1		\$0
Other (as needed)		Company of the Company		0:0		\$0	\$0
Engineering/construction	STATE OF THE PARTY	expectations are assured	tid statemental	0:00	OPERATE PROPERTY	16-180 HATEL	idambro\$0
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. Drop Tubes	\$250	24-Aug-2007-9 14	i-Sep-2007 / ∤ ∵	0.1	Tanning (F	美國市/自然教育機能	\$1
Notes for DELAYED costs	investigation:dat	install pressure vac e and the final date s: The date require	is the date of co	mpliance: Est	mated expens	e to install drop	itubes in the
Avoided Costs	ANNUA	LIZE [1] avoided co	sts before ente	ring:ltem:(exc	ept for one-t	ime avoided c	osts))
Disposal		storak klainerstruff (fillidi	建筑的高级级的高级	0:0	04/4/4/4/4/1	\$4.50	\$0
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Notes for AVOIDED costs	enderen H. F. Green W. Black Presen	oregonical est engles est boxes possessas paralless	and the state of t				
Approx. Cost of Compliance		\$500			TOTAL		\$4

Screening Date:	26-Sep-2007		Docket No. 2007-1577-P	ST-E	PCW
Programme and the control of the con	Chanthorn Patrick Tes	dba 34 Express	And a second different and a second as a s	Policy R	evision 2 (September 2002)
Case ID No. 3		•		PCW R	evision September 19, 2007
Reg Ent Reference No.	RN101435444				
POSSONS-OVERSON SERVICE STREET EXPENDITURES OF THE PROPERTY OF	Petroleum Storage Tar	nk			
Enf. Coordinator					
Violation Number	3 3				1
Rule Cite(s)	30 Tex	x. Admin: Code §§	334.7(d)(3) and 334.8(c)(4)	(B)	
	additional information the change or addition lownership of the US certification form is f	regarding USTs wi Specifically, the ST system Trailed ully and accurately	stration to the Commission thin;30 days from the date or registration was not amende to ensure that the UST regis completed and submitted to the user registration was not a submitted to the user registration was not the user registration.	of the occurrence of editoireflect current stration and self- otheragency in a se	
			,	Base Penalty	\$10,000
>> Environmental: Property at	id.Human Healthd	V E Triby			
	Harm		A THE PERSON NAMED IN COLUMN TO A PARTY OF THE PERSON NAMED IN COLUMN TO A PAR		
Release	Major Modera			ı	
			Percent	0%	
- Oteribal	Rate Water Company and Transport of the second of the seco	***** T. Baltin Walk states was trained	1 Ground	0 70	
\$ Progemmatile:Matrix					
Falsification	Major Modera	te Minor			
	x		Percent	10%	
		- Company of the Company of the Company	OPPARED TO PARED OF THE PARED O	on Compagnos Angelos estados a contr	
Matrix Notes	100% c	f the rule requirem	entwasnot met		
			anika sa akidi Ustimenti	\$9,000	
		•			\$1,000
	•				\$1,000
Violation Events					
CANALT REPORT AND					
Number of Viola	ation Events	135 3	Number of vio	lation days	
mark only one with an x	daily		Viola	ition Base Penalty	\$1,000
	Mariota de la Companya de la Company	A PROPERTY OF THE PROPERTY OF	tion of the violation during t	-o:August 24 2007	
Une:single:eVe	ne is recommended ba	sed on documenta investigatio	initiality of the second	ie:August:24;;200/	
Economic Benefit/(EB)/tordins	iviolation		III.		
Estimated	EB Amount	\$68	Violation F	inal Penalty Total	\$1,094
			MANAGER CONTRACTOR	الدعديدي ساع استعادي	64.004
		This violation	Final Assessed Penalty (a	ajustea for ilmits)	\$1,094

Responden Case/ID/No Reg Ent Reference No	Chanthorn Patrick Tes dba 34 Exp	Benefit Worksheet heet heet heet heet heet heet heet	TOURS AND STATE	· · · · · ·
iMedi Violation No	a Petroleum Storage Tank		Rercent Interest Years of Special Control of Specia	
VIDIAUOIIINC)		5.0 15	
ItemiDescriptio	ltem Cost Date Required An Nocombaers 8	FinaliDate Yrs Interest/Saved	CONTROL FOR THE SECOND CONTROL OF THE SECOND	<u>'</u>
Delayed Cost	STATE			4.
Equipment	Programmed a secondarioned	#0.0 S0 *******	1990 SO - 65 - 50]
Buildings	interior y and a second	20.0 1	Minimistration and South	_
Other (as needed) Engineering/construction	THE STATE OF THE S	napunggyawa stansa ngo to a transposition ngo t	\$0 \$0	-
Land	International Control of the Control	2010 x 150	\$0	-
Record Keeping System	####\$500##### ##########################	26-Jul-2008-W 3-2-7-4	\$68	7
Training/Sampling	paragram out constitution	reministration and it 0:00 in \$0,000 in \$	20 10 10 10 10 10 10 10 10 10 10 10 10 10	1
Remediation/Disposal	E. S.	98.00 \$0.00 \$0.00 B	Amenite it / Amenite it / Amenite it / So]
Permit Costs Other (as needed)		301.55274192417 12070 7 250125361 301.55274192467414 24010 2	CANTONSO TATALORIS OF THE STATE	_
Notes for DELAYED costs		eted:UST:registration(form)to:the:TCEQ; The ge:date and the final rdate is the expected date		ACAMANA O C. MANGELL
Avoided Cost	S ANNUALIZE[d] avoide	dicosts/before/entering/litem/(except/for/or	ie-time/avoided costs)	<u> </u>
Disposal	Constitution of the consti	neros ar a productiva de la composición del composición de la comp	N	ĝ
Personnel	人學的學術學的	201031 2150	180	4
Inspection/Reporting/Sampling Supplies/equipment			2015U(3)	취
Supplies/equipment Financial Assurance [2]	I The state of the	2010 1 250 1 250 1 250 1 250 1 250 1 250 1 250 1 250 1 250 1 250 1 250 1 250 1 250 1 250 1 250 1 250 1 250 1 2	0.000	
ONE-TIME avoided costs [3]	The same of the sa	1010 1 250 250 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	\$0.000	8
Other (as needed)	SOME THE PROPERTY OF THE PROPE	######################################	2-m22 \$0 material 1-62-1- \$0	3
Notes for AVOIDED costs	Ujija iki viji		g engliste de l'America L'America de l'America L'America de l'America	
Approx. Cost of Compliance	\$500	LAKOTE	\$68	3

Screening Date	26-Sep-2007		No. 2007-1577-PST-E	#PGW#
Respondent	Chanthorn Patrick Tes dba	a 34 Express	Pol	icy Revision 2 (September 2002)
Case ID No.			PC	W Revision September 19, 2007
Reg: Ent. Reference No.	RN101435444		•	
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator				
Violation Number	ivet 4 selik 2			
Rule Cite(s)	30 Tex.:Admin.: Cod	ie § 334.8(c)(5)(A)(i) and	d Tex Water Code § 26.3467(a)	
	toldavijšaj višljej je te c	· participation	variable and the control of	 4
Violation Description	before accepting delivery the Station's fuel delivery deliveres of	of a regulated substance manifests indicated that	alid current TCEQ delivery certific sinto the USTs, "Specifically, revie the Station had received twenty-n cout a delivery certificate.	w.off
1			Base Pen	alty \$10,000
	enine aankan-wa	A-10-20-08-1-20-08-1-20-08-1-20-08-1-20-08-1-20-08-1-20-08-1-20-08-1-20-08-1-20-08-1-20-08-1-20-08-1-20-08-1-		
>>Environmental, Property	posaumanspeaumiyia Harm	UIRS		
Release	Major Moderate	Minor		
@R Actual				
Potential		X OF THE	Percent 5%	•
			SPRENTYKÉTO	
>>Programmaticalists				
Falsification	Major Moderate	Minor	B	•
THE PARTY AND TH	Participation Springs Property and	hadaratinas (Signal)	Percent 0%	
	and afficial and a street of the street of t	There's a low recent all that the restrictions		
Matrix Human healt	nior:the:environment:will:or	could be exposed to ins	significant:amounts of pollutants wi environmental receptors as a resul	ich Saf
Notes Would not ex		the violation.		122 300
				19294
			Adjustment \$9,	500
				\$500
Violation Events				
Niverbox of Vic	plation Events 29		Number of violation days	
Number of Vic	nation Events	§ [300,200,204]	rumbor or violation days	,
	ST Hall (N. S.)	3		
• .	e montaly.			
. mark only one	guarteriya		Violation Base Pen	alty \$14,500
with an x	senjannual			
	ccannual			
	single event x	<u> </u>		
			disasses a market X	
		ents are recommended	(one eventiner drop)	
	i wertty-tittle single evi	erre are recommended		
<u> </u>		and the second s	2	
 Economic Benefit/(EB)/forth	is violation		Sention/Limit lest	
		der	M. C.	
Estimated	d EB Amount	\$0	Violation Final Penalty T	otal \$15,861
		This sinisting Fine! A	annual Banalh, (adjusted for lim	its) \$15,861
		inis violation Final A	ssessed Penalty (adjusted for lin	11.5/j

organism in the property of the control of the cont	100 July 100	conomic ck Tes dba 34 Exp	Benefit W	orkshe	ethorns	uti Lista	
Gase ID No	34710	SK 165 UDA 04 EX	J1685				
The street of the second stree	Petroleum Stora	ge Tank			² Pe	rcent Interest	Mears of Depreciation
	item Cost	Date Required	Final Date	Yrs Inter		5.0 netime Costs	15 EB Amount
<u>ItemiDescription</u>	ster every the real of the second	er ver versit		100 (9 0 (90)			EB/AMOUNT
Delayed Costs							MAN STATE
Equipment Buildings	Particular Services	Printed and the control of the contr	elegation de la company	**************************************		\$0 50	\$0
Other (as needed)	antigration and chair	16	ased and resemble productions	10:00	180	280	\$0
Engineering/construction	emperature de l'estate	ana namanananya	Marches Salata Mark Cal	30003057505	descent control control	\$0.50 m	:\$0
Land	# 12 m 12 m		property of the section of	0.010	:\$0	into estado	
Record Keeping System Training/Sampling	Sendinitrinidentalescondi Disc. MANA	romanistikuskinisi Historia	Militarian dalah dalah 1 Melapin dalah d	#40;0 #	\$0	74 A TOTAL AND THE STREET	** \$0 **********************************
Remediation/Disposal	permental de la		entit at Romania in 1916	**O.O !			\$0
Permit Costs	सर्वकारिकार्वकारियान दाव	A CONTRACTOR	Signicina medicina (Carrolla Carro				\$0
Other (as needed)	average section	ner is unicedata ntial	ledaki carenia kan hirida)	0.00	150		4245 SO 445-4
Notes for DELAYED costs	THE COLUMN AND ADDRESS OF THE COLUMN AND ADD		Economic benefit	included in Vid	olation/No/33		
Avoided Costs	ANNI ANNI	JAEIZE [1] (avoide	dicosts/beforele	ntering Item (exceptifor(one-	time avoided c	osts)
Disposal	A MARKATAN AND MAR		THE DESCRIPTION OF THE PERSON NAMED IN	0.01	1\$0 / 11 12	912 80	3/50 st
Personnel Inspection/Reporting/Sampling	Section 1			01030 Feb. 52	2\$03439662 (232) 2\$0422662	**************************************	N-03121290
Supplies/equipment	7167477774 x 4x 4x 4x	Cymaki, wi kabilingi		M010000	280	80:1	\$0
Financial Assurance [2]	herricanica destilió	z (c., i dodologiana)	(Caracacacacacacacacacacacacacacacacacaca	24010 Hz = 14.151	21 8 0========	\$10.50	
ONE-TIME avoided costs [3]	(Shark-Everage)		encere e la finale de la finale	5010 E N.1.	:\$0:::::::::::::::::::::::::::::::::::	AND THE PROPERTY OF THE PARTY O	1/0° - '\$0° - '7'%
Other (as needed)	8,9602,92,435,4662	1997/1997/1997	PROGRESS AND STREET, ST	10:0/0 ellerciation	480 - 1000 2	\$0	**************************************
Notes for AVOIDED costs	THE ASSESSED OF THE SECOND	Taliane igali	to a second and the territorial terms				7. (1. (1. (1. (1. (1. (1. (1. (1. (1. (1
Approx. Cost of Compliance		\$0			TOTAL		\$0

Screening/Date		MEGWA
Respondent	Chanthorn Patrick Tes dba 34 Express	Policy Revision 2 (September 2002)
Case ID No.		PCW Revision September 19, 2007
Reg. Ent. Reference No.		·
	Petroleum Storage Tank	
Enf. Coordinator		
Violation Number		
Rule Cite(s)	30 Tex. Admin. Code § 334:50(b)(1)(A);(b)(2), (d)(1)(B)(ii), and (d)(1)(B)(iii)(l)(an	d Tex
	Water Code § 26/3475(a) and (c)(1)	Suitabilitis Suuraania
	Falled to ensure that all IUSTs are monitored in a manner which will detect a relea	ee at a
	frequency of at least once every month (not to exceed 35 days between eac	
	monitoring). Specifically, the automatic tank gauge was not being put into test in	node
	monthly. Also, falled to provide release detection for the piping associated with	
Violation Description		
	ionce each month, sufficiently accurate to detect a release which equals or exceed sum of 4:0 percent of the total substance flow through for the month plus (130 ga	
	Also, falled to record inventory volume measurement for regulated substance in	
·	withdrawals, and the amount still remaining in the tank each operating day.	
<u> </u>		040,000
	Base P	enalty \$10,000
>>Environmental Projectiva	no Human Health Matrix	·
A ST SAFETY AND A STATE OF THE	Harm	_
Release	Major Moderate Minor	
OR Actual		
Potential	Percent 25%	
		·
>>Programmatic Marrix Falsification	Major Moderate Minor	
Faisincation	Percent 0%	1
110000000000000000000000000000000000000	or the environment will or could be exposed to pollutants which would exceed leve rotective of human health or environmental receptors as a result of the violation.	els that
Notes are pr	otective of fluman fleatition environmentan receptors as a result of the wiolation	
	Adjustment	\$7,500
	•	\$2,500
		1 72,500
Violation Events		
THE SEA PROCESSORY CONTROL COMMENDED TO ANY ANY OF THE SEASON AND ANY SEASON ASSESSMENT OF THE SEASON ASSESSMENT.		
Number of Viol	lation Events Number of violation days	
·	AND THE PROPERTY OF THE PROPER	
•	A COLUMN AND A COL	
	organication Base P	enalty \$2,500
mark only one with an x	isementual	-
	se annual se	
	singlerevent	·
	REAL CHURCHER LANGUE CONTRACTOR C	
One querterly	y event is recommended based on the documentation of the violation during the A	uaust
One quarter:	24, 2007 investigation to the September 26, 2007 screening date.	
	 Discourse of the problem 	70. 4.0.4
Economic Benefit (EB) for thi	sviolation	
Estimated	EB Amount \$1,165 Violation Final Penalty	/ Total \$2,735
		00 705
	This violation Final Assessed Penalty (adjusted for	limits) \$2,735

	CONSTRUCTED A AND IN THE	conomic	at the state of th	orkshe	et	au vilništi	i (Vivi)	(1)
Responden		ick Tes dba 34 Ex	press					
Reg. Ent. Reference No	47							
a transfer formation of the first of the contract of the contract of the contract of the first of the contract	Petroleum Stora	ana Tank					3 (4) (1)	Years of
Violation No	188	ago rank				Percent Inte	rest	preciation
Violation	ing o		estas pretintas estas pretint	enter independen	an a suite a s		mbound at all	ENTRESPONDA ANTO
							5.0	15
	Haltem Cost	⇒Date Required	Final Date ==	Yrs Inte	rest Saved	Onetime Co	sts E	B Amount
Item Descriptio	n No commastor \$							
N. C. and A. C. and C. S. A. A. A. C. A. A. C. A. A. C. A.	odati budi ta kanan da da sa	41.777 W.						
Delaved Cost								Was .
Equipment	Section of the second	and the second section of the second	PROBLEMENT OF THE	20:0 1 - **	90'	*!!!!!!!! \$O		\$0
Buildings	Distriction of the Party is all	Profession and some	erdenischenkungen	(#010 TR 11 Fine)	120 \$0 1155 12	พื้นสีขึ้นแกร์ \$0 :::		\$0
Other (as needed)	Management 12	and a contraction	uninstructed and unitarity	\$1.010 ¥ k.±.:	::\$0.45	i### 10 →\$0		\$0
Engineering/construction	SERVING CONTRACTOR	第97215672100225400000000000000000000000000000000	neephonesous charact	A0:0% President	7:50	水明和1000年		\$0
Land	BARBARDARY ARAST	Sand in land with the land	2984 16 A. Carrier (* 14)	#1010 KI JULE	P 180124-1136	THE STATE OF	45.0	\$0
Record Keeping System	transisting and a transition of the	ing property in the court of the	minimization for a 42 cities	070	\$0			\$0
Training/Sampling	Marches and a second	企业的国际国际国际的	meanine introduced	A010	180 / 2 / 4			\$0
Remediation/Disposal	MANUSCON STATE	sammer and the same of the sam	MENDER TOTAL			5VA		\$0
Permit Costs	USERWINE AND AND		THE SHARE STORY					\$0
Other (as needed)	H=2:#1\$17500 WHITE	#4244Aug-200769	1:00/26-Jul-2008:24	30.9章 36%	性\$6948年前			\$69
	Market State of the State of th							
		st of monitoring all						
Notes for DELAYED costs	monthly recond	iliation of inventor				estigation dat	e and the	Tinal date is
•	1.00	711171111111111111111111111111111111111	date expect	ed date of cor	npilance.			
Avoided Cost	WINDSHOW SHOW SHOW A WALKE	IIIAISIZE###################################	sulsasta katara	ritorio di toba	/avcontforio	hattimatavol	dad coet	- Walter Colonia
MAIL COTAIN A WISH A STOCK NOW THE TANKED STOCK NOW	*		edigosisadelollere		\$0	\$0		\$1.50
Disposal	distriction ()		TOUS SONWIE TO SUFFICE	***O'O**	**\$0******	80 80		\$0
Personnel		32	Character and section of the section of	0.0	\$0.125	12.1 VC*SO**	17000 11	***\$0 \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
Inspection/Reporting/Sampling Supplies/equipment		1/10/17/17		070	\$0	\$20 SO		\$0
Supplies/equipment Financial Assurance [2]	Marketin depet	Birther and Artificial	CHESCHIAL CONTROL		\$0	103 101 101 10 10 10 10 10 10 10 10 10 10 1		\$0
ONE-TIME avoided costs [3]	\$1,000	24-Aug-2006	24-Aug-2007	11.9	***\$96	1\$1,000		\$1:096
Other (as needed)	#Φ 11,000	0.e.0 n. 905 55			121SO 14-11-11-16	\$0		\$0.44
Otter (as needed)		Turning the Control of the Control o	nastaniae nastaniaiska kina		NO ESCUEDA DE	Acres as participate	Sat Destablish	1010/00 (-102)
		19.00		This is the				
Notes for AVOIDED costs	Avoided cost to	or piping tightness				e/investigatio	n and the	final date is
110103 101 71701222 0022	ABA theken	r turn	thein	vestigation da	te.	maria di Paris	district.	,
	A William	TO THE STATE OF TH						<u> </u>
Approx. Cost of Compliance		\$2,500	1		ΤοτΔΙ	·_ ···-		\$1,165

	Scr	eening Date	26-Sep-2007			Docket No.	2007-1577-PST-E		PGW
200 TO		Respondent		atrick Tes dba	34 Express			Policy Re	vision 2 (September 2002)
		Case ID No.						PCW Re	vision September 19, 2007
Reg.		ference No.							
		lia [Statute]		orage Tank					
		Coordinator		ī		•			
	Vio	lation Number	### 9 6		. o'r Kardeydina o'	Lagrage Majalan and Anglas P		and times addresses a section	
		Rule Cițe(s)		30	Tex. Admin. C	ode § 37:815	(a) and (b)		·
			Estapatan da.		Carrie Marie	e sychia syraler		ore, 25 Sibilities, Ci	
	Malatic	n Description					or taking corrective ty;damage caused		
	Violatic	ii bescription	Compensau				petroleum USTs:		
			registration and reserved as a	14 · · · · · · · · · · · · · · · · · · ·	free Construction	Application of the control of the co	nachal collisters of traces - editions of breedings of		
							Р	Base Penalty	\$10,000
>> Enviro	nmenta	l Projecioye	në Hunen	Health Mai	fiix				
		D -1		Harm	Minne				}
OR		Release Actual	Major	Moderate	Minor				
				9519	productive media		Percent (0%	
		1							, ,
>>Prograi	mmatic								
		Falsification	Major	Moderate	Minor		Baraant		,
		Substitution (EST EST EST V			,	Percent 10	0%	
		979500000000000	Maria Ma	Sale i pregr a					
	Matrix			100% of the	e rule:requirem	ent was not n	net.		
	Notes							Lagran Sara	
						A	djustment	\$9,000	1
						â			\$1,000
			AND THE PROPERTY OF THE PROPER						
Violation:	Events								
		Number of Vic	lation Events	2]	365	Number of violation	n davs	•
		Mantiper of Alc	iation Events		1 1	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Transport of Vicialia	,, .	
		1	really.					•	
	•	i	e monthly .			•		v.F	£2.000
		mark only one with an x	quarrenys				Violation	Base Penalty	\$2,000
			semiannual Mannual						
			singletevent	×					
			I WO:	single events ((one event per	апк) аге гес	ommenuea,		
		- 5 W. J. 18 J. 18 J. 18 J. 19 J	verterritale.			gism andmili situ			
Economic	:Benefi	k(EB)) for th	sxiolation				SkillionyLimit	Test	
		Estimated	I EB Amount		\$1,425		Violation Final	Penalty Total	\$2,188
					This violetic-	Einal Asses	sed Penalty (adjust	ted for limite)	\$2,188
					THIS VIOLATION	rillai Asses	seu renaity (aujus		Ψ2,100

	Classicate and additionable in the street of the contraction	Benefit Works	heet	SAMPLE TO	
Respondent	t Chanthorn Patrick Tes dba 34 Ex	press			
Reg Ent. Reference No	RN101435444		The state of the s	Contraction of the Contraction	28 A. V. Sandison (17 - 17 - 17 - 17 - 17 - 17 - 17 - 17
Media Violation No	Petroleum Storage Tank		12001/	ercent interest	Mears of Depreciation
Wiolation	, o		100000000000000000000000000000000000000	5.0	15
77 (1 Table 18 18 18 18 18 18 18 18 18 18 18 18 18	Item Gost :: "Date Required	FinaliDateYrs⊮-	Interest/Saved==0	netime Costs	EB/Amount
ltemiDescription	n vNo commasion \$1				
Delayed Costs Equipment	United the second secon	100.0	\$60,000	150	\$0
Buildings	descriptions described the confederation for the	Section at the second section of the section of the second section of the section of the second section of the	180	::::::::::::::::::::::::::::::::::::::	18;mt=1 80
Other (as needed)	reschence for the first sense and the	WOOD WASHINGTON	37.55	M 1480	\$0
Engineering/construction	Interesting and an analysis of the second	201010 Processor 20101010	180	11111111111111111111111111111111111111	\$0 \$0
Land Record Keeping System	i de la company		150	10/12	\$0
Training/Sampling	estatelians of made that I have the made of material	0.010% (20.50%)	\$0 	70 mil (1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	\$0
Remediation/Disposal	description of the format	70:016	\$0	The fire	:- :\$0
Permit Costs	Pickettinisti as il				\$0
Other (as needed)	nonemerature cali mediacidi di membrahi	Proceedings of the Control of the Co	######################################		1217402250422422
		al deficiency of the second			
Notes for DELAYED costs	Bartin Francisco		ingle and we		
	tion making				224212289900000000
	ANNUALIZE[/i]/avoid	earcoststoetoreterrennyn	tems(exceptsion;one	Parime avoided in	USLS/September 1
Disposal Personnel	A CONTROL OF THE PROPERTY OF T	010 25 20 00 14 20 10 14 20 10 14 20 10 14 20 10 14 20 10 14 20 10 14 20 10 14 20 10 14 20 10 14 20 10 10 10 10 10 10 10 10 10 10 10 10 10	2.53 N. 2.50 - 11.65 P. 1	45000000	akasaalsolyteeri
inspection/Reporting/Sampling		PERSONAL MARKET SHOTOLO	alimieni\$0.08-treat	-054EU\$0/1052690	5.00 (1.00 E) (1.00 E)
Supplies/equipment	REPORTED THE PROPERTY OF THE P	MOTORS	Darking 0 and 1 and 1	NUMBER SOMETHIE	#####\$O=*##\$
Financial Assurance [2]	eleganical districts of the control	E-010 E-construction	6031671\$04150414		\$0 000
ONE-TIME avoided costs [3]	\$1,300 24-Aug-2006	24-Aug-2007	ALTONOMIC TO THE CONTRACT OF T	\$1,300 \$0	\$1,425
Other (as needed)		[#:0:0%]	###### \$0 ######	ANNE DUGITALISMA	
	Estimated cost to provide finan		iana lieta (aregen	nortani/iforthe	hielve month
Notes for AVOIDED costs	Estimated cost to provide ilian	period preceding the date.	of the investigation	peritant/horitre	Welve illustrates
. *		penouplededingine dates	The state of the s		
	And the same of States	The state of the s			li de la constantina
Approx. Cost of Compliance	\$1,300	, and a second	TOTAL		\$1,425

Screening Date	26-Sep-2007 Docket No. 2007-1577-PST-E	*Rewa
	Chanthom Patrick Tes dba 34 Express	Policy Revision 2 (September 2002)
Case ID No.	34710	PCW Revision September 19, 2007
Reg.:Ent::Reference:No.	RN101435444	-
Media [Statute]	Petroleum Storage Tank	
Enf. Goordinator		
Violation Number	T. Comment	·
Rule Cite(s)	30 Tex: Admin. Code § 334.49(a)(4) and Tex: Water Code § 26.3475(d	Discussion of
Violation Description		exible htact with
	Base	e Penalty \$10,000
>>/Environmental/iBropens/s		
>>:=!Wito!!!!!!e!!!!a!a!a!e!obe!!e}=	Harm	
Release	Major Moderate Minor	
OR Actual	Percent 25%	
Potential	CONTROL CONTRO	. i
>>Programmatic Matrix		
>>=rogrammatustvatuk	Major Moderate Minor	Ì
	Percent 0%	
	AND THE STATE OF T	
Hatrix Eliman healt	or the environment will or could be exposed to pollutants which would exceed I	evels that
Matrix Human healt Notes are	protective of human health or environmental receptors as a result of the violation	Transfer of the Control of the Contr
		Transit Company
	Adjusiment	\$7,500
	Page 100 Face Parties of the Control	\$2,500
		42,000
Violation Events		
Molanomewanta		
	Number of violation day	ys
	B CONTROLLY NOW CONTROLLY	
	inionthiya Violation Bas	e Penalty \$2,500
mark only one with an x	sementinual resonantinus	
	wannual was a second se	•
	singlerevent	·
	AND	Section (Control
One quarte	rly event is recommended based on the August 24, 2007 investigation to the Se	ptember
	.26; 2007 screening date	America de la companya de la company
The state of the s		
Economic Benefit (EE) (cini	iisviolation Statutory Limitale	SL
AND ADD AND ALL AND	d EB Amount \$32 Violation Final Per	nalty Total \$2,735
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Case ID No Reg. Ent. Reference No	t Chanthorn Patrick Tes dba 34 Express 34710 RN101435444	refiit Worksheet	
Media Violation No	Petroleum Storage Tank	Rercentiin	erest A.Years of Depreciation
			5.0 15
(tem)Descriptio		naliDate: AYrs,⇔linterest Saved. "OnetimeiΩ (1998–1994) (1998–1994)	
Delayed Cost			W. The Control of the
Equipment	\$500 24-Aug-2007 26-	Jul-2008 1 120:9 1 2 52:15 1 2 531	\$32
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Remediation/Disposal		######################################	CSL CSL 480
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Notes for AVOIDED costs	Figure 1 Property Control of the Con		
Approx. Cost of Compliance	\$500	TOTAL	\$32

Compliance History

							D :: 0.05
Custo	omer/Respondent/Owner-Operator:	CN601212996	TES, CHANTHORN PA	ATRICK	Classification	: AVERAGE	Rating: 2.25
Regu	lated Entity:	RN101435444	34 EXPRESS		Classification DEFAULT	: AVERAGE BY	Site Rating: 3.01
ID No	umber(s):	PETROLEUM ST REGISTRATION	ORAGE TANK	REGISTRA	ATION	÷. ;	31351
Loca	tion:	1706 STATE HIG	HWAY 34 S, TERRELL, ⁻	TX, 75160	Rating Date:	September 01 07	Repeat Violator: NO
TCE	Q Region:	REGION 04 - DF	W METROPLEX				
Date	Compliance History Prepared:	August 15, 2008					
Agen	cy Decision Requiring Compliance History:	Enforcement					•
Com	pliance Period:	August 15, 2003	to August 15, 2008				•
TCE	Q Staff Member to Contact for Additional Info	rmation Regarding	this Compliance History				
Nam	e:	Ph	ione:				
		Site C	ompliance History Co	mponents			
1 Hs	as the site been in existence and/or operation	for the full five yea	r compliance period?	Yes			
	as there been a (known) change in ownership			No			
3. If `	Yes, who is the current owner?			N/A			
	Yes, who was/were the prior owner(s)?	•		N/A			
5. W	hen did the change(s) in ownership occur?			N/A			
Con	nponents (Multimedia) for the Site :						
A.	Final Enforcement Orders, court judgemen	nts, and consent de	crees of the state of Texa	s and the federal g	government.		
	N/A					·	
В.	Any criminal convictions of the state of Te	xas and the federal	government.				·
C.	Chronic excessive emissions events.				•		
	N/A	•					
D.	The approval dates of investigations. (CC	EDS Inv. Track. No	.)				
	· N/A					•	
E.	Written notices of violations (NOV). (CCE	OS Inv. Track. No.)					
F.	Environmental audits. N/A					•	
G.	Type of environmental management syste	ems (EMSs).			•		
	N/A						
H.	Voluntary on-site compliance assessment	dates.					
	N/A			•			
l.	Participation in a voluntary pollution reduct	ion program.					-
	N/A						
J.	Early compliance.						

N/A Sites Outside of Texas N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CHANTHORN PATRICK TES	§	
DBA 34 EXPRESS;	§	ENVIRONMENTAL QUALITY
RN101435444	§	

DEFAULT AND SHUTDOWN ORDER DOCKET NO. 2007-1577-PST-E

At its	agenda, the Texas Commission on Environmental Quality,
("Commission" or "TCEQ") c	onsidered the Executive Director's Preliminary Report and Petition
filed pursuant to TEX. WATER	CODE chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the
rules of the TCEQ, which requ	nests appropriate relief, including the revocation of the Respondent's
underground storage tank ("US	ST") delivery certificate, the imposition of an administrative penalty
and corrective action of the re	spondent. The TCEQ also considered the Motion of the Executive
Director requesting entry of an	order requiring the respondent, Chanthorn Patrick Tes dba 34 Express
("Mr. Tes" or "Respondent") to	o shutdown or remove from service the USTs at the facility located at
	, Terrell, Kaufman County, Texas.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

- 1. Mr. Tes owns and operates a convenience store with retail sales of gasoline located at 1706 State Highway 34 South, Terrell, Kaufman County, Texas (the "Station").
- 2. Mr. Tes' two (2) USTs are not exempt or excluded from regulation under the Texas Water Code, the Texas Health & Safety Code, or the rules of the Commission. Mr. Tes' USTs contain a regulated petroleum substance as defined in the rules of the Commission. The Station also consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
- 3. During an inspection conducted on August 24, 2007, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Mr. Tes:
 - a. Failed to maintain Stage I records at the Station. Specifically, a record of the dates on which gasoline was delivered to the dispensing Station, the truck identification

- number, and the date of the last leak testing of each tank-truck tank from which gasoline was transferred to the Station were not available.
- b. Failed to ensure that the gasoline container is equipped with a submerged fill pipe. Specifically, the submerged fill pipes in the regular and super unleaded tanks were not within six inches of the tank bottom.
- c. Failed to ensure that the only atmospheric emission during gasoline transfer into the storage container is through a storage container vent line equipped with a pressure-vacuum relief valve set to open at a pressure of no more than eight ounces per square inch. Specifically, a rain cap, instead of the required pressure-vacuum relief valve, was observed on the gasoline vent line.
- d. Failed to provide an amended UST registration to the Commission for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not amended to reflect current ownership of the UST system.
- e. Failed to ensure that the UST registration and self-certification form is fully and accurately completed and submitted to the agency in a timely manner. Specifically, the initial self-certification was not submitted.
- f. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, review of the Station's fuel delivery manifests indicated that the Station had received twenty-nine (29) deliveries of regulated substance without a delivery certificate.
- g. Failed to ensure that all USTs are monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring). Specifically, the automatic tank gauge was not being put into test mode monthly.
- h. Failed to provide release detection for the piping associated with the USTs.
- i. Failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons.
- j. Failed to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day.

- k. Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs.
- 1. Failed to provide corrosion protection to all underground components of an UST system which is used to convey or contain regulated substances. Specifically, the flexible connectors in the submersible turbine pumps and dispenser pumps were in contact with water, preventing electrical isolation of the metal components.
- 4. By letter dated September 18, 2007 the TCEQ Houston Regional Office provided Mr. Tes with notice of the violations and the TCEQ's authority to shut down and remove from service UST systems not in compliance with UST system release detection, spill and overfill prevention and/or corrosion protection requirements if the violations were not corrected.
- 5. Mr. Tes received notice of the violations on or about September 23, 2007.
- 6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Chanthorn Patrick Tes dba 34 Express" (the "EDPRP") in the TCEQ Chief Clerk's office on May 8, 2008.
- 7. By letter dated May 8, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Tes with notice of the EDPRP. According to the return receipt, Mr. Tes received notice of the EDPRP on May 9, 2008.
- 8. More than 20 days have elapsed since Mr. Tes received notice of the EDPRP, provided by the Executive Director. Mr. Tes failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.
- 9. By letter dated August 18, 2008, the TCEQ provided Mr. Tes with notice of the TCEQ's intent to order the UST systems at the Station shut down and removed from service if the violations pertaining to release detection and corrosion protection were not corrected within 30 days of Mr. Tes' receipt of the letter.
- 10. As of the date of entry of this Order, Mr. Tes has not corrected the release detection and corrosion protection violations noted during the August 24, 2007 investigation.
- 11. The Executive Director recognizes that the Mr. Tes has implemented the following corrective measures at the Station:

- a. On September 14, 2007, the TCEQ Dallas/ Fort Worth Regional Office verified that the required drop tubes were installed to within six inches of the tank bottom in all USTs;
- b. The TCEQ Dallas/ Fort Worth Regional Office received documentation verifying that the Respondent has obtained Financial Assurance for the USTs at the Station as of September 10, 2007; and
- c. On September 30, 2007, the TCEQ/Dallas Fort Worth Regional Office verified that the Respondent installed a pressure vacuum relief valve on the gasoline vent line.
- 12. The UST systems at the Station do not have release detection and corrosion protection as required by 30 Tex. ADMIN. Code §§ 334.49 and 334.50 and may be releasing petroleum products to the environment without the knowledge of the tank owner or operator. Therefore, conditions at the Station constitute an imminent peril to public health, safety, and welfare.

CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Tes is subject to the jurisdiction of the TCEQ pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Commission.
- 2. As evidenced by Finding of Fact No. 3.a., Mr. Tes failed to maintain Stage I records at the Station, in violation of 30 Tex. ADMIN. CODE § 115.226(1) and Tex. Health & Safety CODE § 382.085(b).
- 3. As evidenced by Finding of Fact No. 3.b., Mr. Tes failed to ensure that the gasoline container is equipped with a submerged fill pipe, in violation of 30 Tex. ADMIN. CODE § 115.222(1) and Tex. Health & Safety Code § 382.085(b).
- 4. As evidenced by Finding of Fact No. 3.c., Mr. Tes failed ensure that the only atmospheric emission during gasoline transfer into the storage container is through a storage container vent line equipped with a pressure-vacuum relief valve set to open at a pressure of no more than eight ounces per square inch, in violation of 30 Tex. ADMIN. CODE § 115.222(5) and Tex. Health & Safety Code § 382.085(b).
- 5. As evidenced by Finding of Fact No. 3.d., Mr. Tes failed to provide an amended UST registration to the Commission for any change or additional information regarding USTs

- within 30 days from the date of the occurrence of the change or addition, in violation of 30 Tex. ADMIN. CODE § 334.7(d)(3).
- 6. As evidenced by Finding of Fact No. 3.e., Mr. Tes failed to ensure that the UST registration and self-certification form is fully and accurately completed and submitted to the agency in a timely manner, in violation of 30 Tex. ADMIN. CODE § 334.8(c)(4)(B).
- 7. As evidenced by Finding of Fact No. 3.f., Mr. Tes failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs, in violation of 30 Tex. ADMIN. CODE § 334.8(c)(5)(A)(i) and Tex. WATER CODE § 26.3467(a).
- 8. As evidenced by Finding of Fact No. 3.g., Mr. Tes failed to ensure that all USTs are monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1).
- 9. As evidenced by Finding of Fact No. 3.h., Mr. Tes failed to provide release detection for the piping associated with the USTs, in violation of 30 Tex. ADMIN. CODE § 334.50(b)(2) and Tex. Water Code § 26.3475(a).
- 10. As evidenced by Finding of Fact No. 3.i., Mr. Tes failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons, in violation of 30 Tex. ADMIN. CODE § 334.50(d)(1)(B)(ii) and Tex. WATER CODE § 26.3475(c)(1).
- 11. As evidenced by Finding of Fact No. 3.j., Mr. Tes failed to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day, in violation of 30 Tex. ADMIN. CODE § 334.50(d)(1)(B)(iii)(I) and Tex. Water Code § 26.3475(c)(1).
- 12. As evidenced by Finding of Fact No. 3.k., Mr. Tes failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs, in violation of 30 Tex. ADMIN. CODE § 37.815(a) and (b).
- 13. As evidenced by Finding of Fact No. 3.1., Mr. Tes failed to provide corrosion protection to all underground components of an UST system which is used to convey or contain regulated substances, in violation of 30 Tex. ADMIN. CODE § 334.49(a)(4) and Tex. WATER CODE § 26.3475(d).

- 14. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director has timely served Mr. Tes with proper notice of the EDPRP, as required by Tex. WATER CODE § 7.055 and 30 Tex. ADMIN. CODE § 70.104(a).
- As evidenced by Finding of Fact No. 8, Mr. Tes has failed to file a timely answer to the EDPRP, as required by Tex. Water Code § 7.056 and 30 Tex. Admin. Code § 70.105. Pursuant to Tex. Water Code § 7.057 and 30 Tex. Admin. Code § 70.106, the Commission may enter a Default Order against Mr. Tes and assess the penalty recommended by the Executive Director.
- 16. Pursuant to Tex. Water Code § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Tes for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 17. An administrative penalty in the amount of twenty-six thousand eight hundred dollars (\$26,800.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in Tex. Water Code § 7.053.
- 18. As evidenced by Finding of Fact Nos. 3, 4, 5, 9, and 10 Mr. Tes failed to correct documented violations of Commission requirements within 30 days after Mr. Tes received notice of the violations and notice of the Executive Director's intent to shut down the Station.
- 19. Tex. Water Code § 26.3475(e) authorizes the Commission to order a UST owner or operator to shut down a UST system if, within 30 days after receiving notice of the violations, the owner or operator fails to correct violations of Commission regulatory requirements relating to release detection for tanks and/or piping, spill and overfill protection for tanks, and/or corrosion protection for tanks and piping.
- 20. Tex. Water Code §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.
- 21. Pursuant to 30 Tex. ADMIN. CODE § 334.8(c)(6), the Commission has authority to revoke Mr. Tes' UST delivery certificate if the Commission finds that good cause exists.
- 22. Good cause for revocation of Mr. Tes' UST delivery certificate exists as justified by Findings of Fact Nos. 3 through 11 and Conclusions of Law Nos. 2 through 15 and 18.
- 23. As evidenced by Finding of Fact Number 11, current conditions at the Station constitute an imminent peril to public health, safety and welfare. Therefore, pursuant to TEX. GOV'T CODE

§ 2001.144(a)(3), this Order is final and effective on the date rendered.

ORDERING PROVISIONS

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

- 1. Immediately upon the effective date of this Order, Mr. Tes shall take the following steps to shut down operations of all USTs at the Station:
 - a. Cease dispensing fuel from the USTs;
 - b. Cease receiving deliveries of regulated substances into the USTs;
 - c. Padlock the dispensers;
 - d. Empty the USTs of all regulated substances in accordance with 30 Tex. ADMIN. CODE § 334.54(d); and
 - e. Temporarily remove the USTs from service in accordance with 30 Tex. ADMIN. CODE § 334.54.
- 2. Mr. Tes' UST delivery certificate is revoked immediately upon the effective date of this Order. Mr. Tes shall cease accepting fuel until such time as a valid certificate is obtained from the TCEQ by submitting a properly completed UST registration and self-certification form including the current ownership information, in accordance with 30 Tex. ADMIN. CODE §§ 334.7 and 334.8. Mr. Tes may submit an application for a new delivery certificate only after Mr. Tes has complied with all of the requirements set forth in these Ordering Provisions.
- 3. Within 10 days after the effective date of this Order, Mr. Tes shall send his UST delivery certificate to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Within 15 days after the effective date of this Order, Mr. Tes shall submit to the Executive

Chanthorn Patrick Tes dba 34 Express DOCKET NO. 2007-1577-PST-E Page 8

Director a detailed written report documenting the steps he has taken to comply with Ordering Provisions Nos. 1.a. through 1.e. and 3. Mr. Tes shall submit the report to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

Sam Barrett, Waste Section Manager Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2309 Gravel Drive Fort Worth, Texas 76118-6951

- 5. Mr. Tes' USTs shall remain out of service, pursuant to Tex. WATER CODE § 26.3475 and as directed by Ordering Provision Nos. 1.a. through 1.e., until such time as Mr. Tes demonstrates to the satisfaction of the Executive Director that it has corrected the violations noted in Finding of Fact Nos. 3.a. through 3.l. and Conclusion of Law Nos. 2 though 13 as listed herein.
- 6. If Mr. Tes elects to permanently remove from service any USTs at the Station, Mr. Tes shall immediately and permanently remove the UST system in accordance with 30 Tex. ADMIN. Code § 334.55. If Mr. Tes permanently removes any portion of the UST system from service, Mr. Tes shall, within 15 days after the effective date of this order, submit to the Commission a written report documenting compliance with 30 Tex. ADMIN. Code § 334.55. Mr. Tes shall submit the written report to:

Petroleum Storage Tank Registration Team, MC 138 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

7. Mr. Tes is assessed an administrative penalty in the amount of twenty-six thousand eight hundred dollars (\$26,800.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Mr. Tes' compliance with all the terms and conditions set forth in this Order completely resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring

corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Chanthorn Patrick Tes dba 34 Express; Docket No. 2007-1577-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 8. Prior to receiving deliveries of gasoline and resuming retail sales of gasoline, Mr. Tes shall:
 - a. Install and implement a release detection method for all USTs and the piping associated with the USTs, and begin conducting proper inventory control procedures, in accordance with 30 Tex. ADMIN. CODE § 334.50;
 - b. Ensure that corrosion protection is in place for all components of the underground UST system, in accordance with 30 Tex. ADMIN. CODE § 334.49;
 - c. Begin maintaining all Stage I records at the Station, in accordance with 30 Tex. ADMIN. CODE § 115.226; and
 - d. Obtain a new delivery certificate from the TCEQ.
- 9. Upon obtaining a new delivery certificate, Mr. Tes shall post the delivery certificate in a location where the document is clearly visible at all times, in accordance with 30 Tex. ADMIN. CODE § 334.8(c)(5)(A)(iii).
- 10. Within 10 days of resuming retail sales of gasoline, Mr. Tes shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 8.a. through 8.d. and 9. The written certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for

submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Sam Barrett, Waste Section Manager Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2309 Gravel Drive Fort Worth, Texas 76118-6951

- 11. All relief not expressly granted in this Order is denied.
- 12. The provisions of this Order shall apply to and be binding upon Mr. Tes. Mr. Tes is ordered to give notice of this Order to personnel who maintain day to day control of the USTs at the Station.
- 13. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas for further enforcement proceedings without notice to Mr. Tes if the Executive Director determines that Mr. Tes is noncompliant with or in violation of any of the terms and conditions set forth in this Order.
- 14. This Order shall terminate five years from its effective date or when Mr. Tes demonstrates to the satisfaction of the Executive Director that he has corrected all of the violations noted herein.
- 15. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order is the date this decision was rendered, pursuant to Tex. Gov'T CODE § 2001.144(a)(3).

Chanthorn Patrick Tes dba 34 Express DOCKET NO. 2007-1577-PST-E Page 11

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF JACQUELYN BOUTWELL

STATE OF TEXAS
COUNTY OF TRAVIS

§

"My name is Jacquelyn Boutwell. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Chanthorn Patrick Tes dba 34 Express" (the "EDPRP") with the Office of the Chief Clerk on May 8, 2008.

I sent the EDPRP to Mr. Tes at his last known address on May 8, 2008 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt Mr. Tes received notice of the EDPRP on May 9, 2008.

More than 20 days have elapsed since Mr. Tes received notice of the EDPRP. Mr. Tes failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference".

By letter dated August 18, 2008 sent via first class mail and certified mail, return receipt requested (Article Nos. 91 7108 2133 3935 1950 0851 and 91 7108 2133 3935 1950 0547), I provided Mr. Tes with notice of the TCEQ's intent to order the UST systems at the Station shutdown and removed from service if the violations pertaining to release detection, spill and overfill prevention equipment, and/or corrosion protection were not corrected within 30 days of Mr. Tes' receipt of the letter. As of the date of this affidavit, Mr. Tes has not corrected the violations noted during the August 24, 2007 investigation."

Attorney

Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Jacquelyn Boutwell, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this

Donna Mae Delgado Notary Public State of Texas

lugust 01, 2012

Notary Signature